

आयकर अपीलीय अधिकरण] पुणे न्यायपीठ "ए" पुणे में  
IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "A", PUNE  
(Through - VIRTUAL COURT)

BEFORE SHRI P.M. JAGTAP, VICE PRESIDENT (KZ) AND  
SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER

आयकर अपील सं / ITA Nos.842 & 843/PUN/2017  
निर्धारण वर्ष / Assessment Years : 2012-13 & 2013-14

The Assistant Commissioner of Income Tax,  
Circle - 11, Pune.

..... अपीलार्थी /  
Appellant

बनाम v/s

Hindumal Balmukund Investment  
Co- Pvt. Ltd.,  
2<sup>nd</sup> Floor, Lohia, Shivaji Nagar,  
Pune - 411004.

..... प्रत्यर्थी /  
Respondent

PAN : AAACH4226Q.

Assessee by : Shri Vardhaman Jain.

Revenue by : Shri S.P. Walimbe.

सुनवाई की तारीख / Date of Hearing : 11.09.2020  
घोषणा की तारीख / Date of Pronouncement : 14.09.2020

आदेश / ORDER

**PER SHRI PARTHA SARATHI CHAUDHURY,**

These appeals preferred by the Revenue emanates from the separate orders of the Ld. CIT(Appeals), Pune - 1 dated 16.01.2017 for the assessment years 2012-13 & 2013-14

2. Before us, learned Departmental Representative at the very outset submitted that referring to the calculations in the order of the learned Assessing Officer that in both these appeals, the tax effect is below Rs.50 lakhs. Learned Authorised Representative also conceded to the same.

3. Having heard the parties and perusing the documents on record, we find that the tax effect involved in both these appeals of Revenue is **less than** the monetary limit prescribed by the recent CBDT Circular No.17/2019 [F.No.279/Misc.142/2007-ITJ (Pt)] dated 08<sup>th</sup> August, 2019 read with Circular No.3 of 2018 dated 11.07.2018 for filing of appeals before the Tribunal by the Department. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No.3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus, without going into merit of the issues raised in the appeal, in view of the CBDT Circular (supra) the present appeals of the Revenue are dismissed on account of low tax effect.

4. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeals, with the requisite material to show that the appeals are protected by the exceptions prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20-08-2018.

5. In the result, both the appeals of Revenue are dismissed.

Order pronounced on 14<sup>th</sup> day of September, 2020.

**Sd/-**  
**(P.M. JAGTAP)**  
**VICE PRESIDENT**

**Sd/-**  
**(PARTHA SARATHI CHAUDHURY)**  
**JUDICIAL MEMBER**

पुणे Pune; दिनांक Dated : 14<sup>th</sup> September, 2020.  
Yamini

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. CIT(A), Pune- 1.
4. Pr.CIT-1, Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" / DR,  
ITAT, "A" Pune;
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

वरिष्ठ निजी सचिव / Sr. Private Secretary  
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune.